

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EMANUEL REDDEN, )  
)  
Plaintiff, )  
) Civil Action No. 05-241-GMS  
vs. )  
)  
CORRECTIONAL OFFICER DIEZ, )  
)  
)  
Defendant )

Deposition of EMANUEL W. REDDEN, JR., taken  
pursuant to notice at the Delaware Correctional Center, 1181  
Paddock Road, Smyrna, Delaware, beginning at 10:08 a.m., on  
Wednesday, January 17, 2007, before Allen S. Blank,  
Registered Merit Reporter and Notary Public.

APPEARANCES:

ERIKA Y. TROSS, ESQUIRE  
DEPUTY ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE  
STATE OF DELAWARE  
820 North French Street  
Wilmington, DE 19801

For - Defendant

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EMANUEL W. REDDEN, JR.,  
the deponent herein, having first been  
duly sworn on oath, was examined and  
testified as follows:

## EXAMINATION

BY MS. TROSS:

Q Good morning, Mr. Redden. We are here for Emanuel  
Redden versus Lauro Diaz, Case No. 05-241. I represent the  
State of Delaware, Lauro Diaz. And I just want to explain  
to you a couple of ground rules and a little bit about a  
deposition.

As you may know, a deposition is part of  
discovery. I will be asking you a series of questions and  
your answers will be given under oath subject to the laws  
relating to perjury. You can object to any question I ask  
but you still must answer the question.

The transcriptionist or court reporter will be  
taking down all of my questions and all of your answers.  
Therefore, we have to speak one at a time because the court  
reporter cannot take down what is being said if we are  
talking over one another.

Also, all responses must be verbal. The court  
reporter cannot take down a nod of the head or say uh-huh.

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So please say yes or no if the question requires a yes or no  
answer.

I will assume that if you answer a question,  
you have understood the question. If you do not understand  
a question, ask me for clarification before you answer.

A couple of other things. You are allowed to  
take breaks. If you need to take a break or use the  
bathroom, please let me know.

I will give you time at the end to add anything  
you think I should know that we did not cover.

And, finally, I need to know if you're taking  
any medication or drugs which cloud your judgment or prevent  
you from understanding questions and giving true answers.

A No, ma'am.

Q Okay.

A I'm just tired.

Q What is your full name?

A Emanuel W. Redden, Jr.

Q Have you ever used any other names or aliases?

A Yes, ma'am, in my lifetime.

Q Could you please --

A There is a whole bunch of them.

Q Go ahead and go through them.

A Charles Gillespie, James Barber, Anthony Johnson,

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Michael Macon. I think that should be it.

Q Okay. Have you ever gone by any nickname or street  
name?

A Yes, ma'am.

Q Could you go ahead and give me that?

A Soko, S-o-k-o.

Q Did you bring anything with you to this deposition?

A Yes, ma'am.

Q Could you tell me what you brought?

A The original filing or duplicate copies of the  
filing that I filed against Officer Diaz.

Q So the complaint?

A Yes, ma'am.

Q Okay. Did you review anything in preparation for  
this deposition?

A Well, just what I had there.

Q Which is --

A The original filing that I filed in Federal Court,  
the State District Court of Delaware in 1983.

Q Okay. So your complaint?

A Yes, ma'am. That's all I have.

Q Have you ever been deposed before?

A No, ma'am.

Q Have you ever testified in court before?

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A Yes, ma'am.

Q When?

A During criminal trials or something like that?

Q Just any time?

A Yes, ma'am. Back in the sixties when I was in the  
Black Panthers and in D.C., Washington, D.C., when I was  
going to trial down there.

Q Okay. Have you ever filed a civil lawsuit besides  
this one?

A Yes, ma'am.

Q In what court?

A In the Federal Court in New Jersey.

Q And when was that?

A That was back in I think around 1989.

Q And why did you file the previous lawsuit?

A Well, when I was over in super max in Pennsylvania,  
the guard jumped on me over there when I was handcuffed and  
shackled and beat me and broke my ribs, knocked my teeth out  
and injured my eye real bad, my left eye.

Q And what was the outcome of your previous lawsuit?

A Well, what happened, after I was beaten in  
Pennsylvania, they sent me to Trenton, New Jersey super max.  
And then when it's time for me to go to trial, they came and  
took a deposition of me and then the day before the trial,

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<p>1 they said I was too dangerous to take across state lines</p> <p>2 from Jersey to Pennsylvania. So the deposition, they took</p> <p>3 with a video. They played before the jury, you see. And</p> <p>4 they just asked me certain questions like you're asking me</p> <p>5 now. But when the guard got on the stand, they made</p> <p>6 statements that I said I was going to kill them and rape</p> <p>7 their kids and all that there, you see, but I wasn't there</p> <p>8 to rebut anything at all. So I lost the case.</p> <p>9 Q Okay.</p> <p>10 A Because I couldn't be there physically.</p> <p>11 Q Okay. At the time you filed this lawsuit against</p> <p>12 Officer Diaz, did you have any other lawsuits pending in</p> <p>13 either State or Federal Court?</p> <p>14 A No, ma'am.</p> <p>15 Q What is your date of birth?</p> <p>16 A 6/21/50.</p> <p>17 Q And where were you born?</p> <p>18 A In Wilmington, Delaware.</p> <p>19 Q Where did you grow up?</p> <p>20 A In Wilmington.</p> <p>21 Q Prior to your incarceration, where did you live?</p> <p>22 A In Wilmington, Delaware.</p> <p>23 Q And how long were you a resident in Wilmington?</p> <p>24 A All my life. Since I was born.</p>	<p>1 A Six children.</p> <p>2 Q In what institution are you currently being housed?</p> <p>3 A In Smyrna.</p> <p>4 Q What's the name of --</p> <p>5 A Delaware Correctional Center.</p> <p>6 Q And how long have you been in Delaware Correctional</p> <p>7 Center?</p> <p>8 A Altogether?</p> <p>9 Q During this present period.</p> <p>10 A Since 2000, June 2000.</p> <p>11 Q Okay. And what other housing locations have you</p> <p>12 been at since June of 2000?</p> <p>13 A Down in Georgetown. I went down to Georgetown in</p> <p>14 June of 2004 where the incident took place.</p> <p>15 Q When you say Georgetown, do you mean Sussex</p> <p>16 Correctional?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Okay. Now we are going to get into a little bit</p> <p>19 about your complaint. Who is Lauro Diaz?</p> <p>20 A That's the officer that I filed a complaint against.</p> <p>21 Q Why is he a defendant in this lawsuit?</p> <p>22 A Because of what originated with Sergeant Dukes and</p> <p>23 Officer Walker. It transpired in the same building.</p> <p>24 Q But why did you file the lawsuit against Officer</p>
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<p>1 Q With whom did you live?</p> <p>2 A My mother.</p> <p>3 Q What is your highest level of education?</p> <p>4 A 9th grade.</p> <p>5 Q And where did you attend the 9th grade?</p> <p>6 A P. S. DuPont.</p> <p>7 Q What was the last full-time job you held prior to</p> <p>8 your incarceration?</p> <p>9 A I was working in Columbia, South Carolina, with the</p> <p>10 city.</p> <p>11 Q And when was that?</p> <p>12 A That was during the period when I was on escape from</p> <p>13 '81 to '82.</p> <p>14 Q And what was your responsibility?</p> <p>15 A I worked for the water department, you know, putting</p> <p>16 down fire hydrants.</p> <p>17 Q What was your rate of pay at that job?</p> <p>18 A The cost of living was real low down there. So</p> <p>19 every two weeks, I was making about \$290.</p> <p>20 Q Are you currently married?</p> <p>21 A No, ma'am.</p> <p>22 Q Do you have any children?</p> <p>23 A Yes, ma'am.</p> <p>24 Q How many children?</p>	<p>1 Diaz?</p> <p>2 A Well, you want me to tell you the whole history of</p> <p>3 the thing with him?</p> <p>4 Q Yes, please.</p> <p>5 A All right. Sergeant Dukes is the sergeant of that</p> <p>6 building where I hurt my leg at.</p> <p>7 Q Okay.</p> <p>8 A And so they rotate every other week he might work in</p> <p>9 the morning and then one week he work in the night.</p> <p>10 Q When you say he, who are you referring to?</p> <p>11 A Sergeant Dukes.</p> <p>12 Q Okay.</p> <p>13 A So he ran the building. So Officer Diaz came on</p> <p>14 working one night and I was playing Pinochle and I was</p> <p>15 sitting in the same spot like I'm sitting here now. He came</p> <p>16 down here and took his right elbow and winged me upside my</p> <p>17 neck. I mean, you know, with a proper blow.</p> <p>18 So by me sitting out in the hallway playing</p> <p>19 Pinochle and the other guys on the other side, I looked back</p> <p>20 to see if he had room to get by me, which he did. So after</p> <p>21 he left, I went up there and called his superior officer,</p> <p>22 Sergeant Biles, and I explained to Sergeant Biles that</p> <p>23 Officer Diaz just assaulted me with his forearm. And</p> <p>24 Sergeant Biles stood in the door with another officer, whose</p>

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<p>1 name I don't remember. And Diaz was coming out to go by.</p> <p>2 So as I was explaining to Sergeant Biles what</p> <p>3 happened, he just laughed. And Sergeant Biles said, I want</p> <p>4 to see you in the office. So Diaz just laughed and</p> <p>5 snickered and went on in the office.</p> <p>6 So then Sergeant Biles came out. I said, what</p> <p>7 happened? He said, I talked to him and that's the best I</p> <p>8 can do, you see.</p> <p>9 So I filed a grievance against him, which you</p> <p>10 should have a copy of that because I sent you paperwork on</p> <p>11 that. And they conducted an investigation.</p> <p>12 So when I got my appeal back from Mr. Howard,</p> <p>13 the bureau chief, he upheld my grievance against him. So</p> <p>14 after that transpired, I filed my civil suit.</p> <p>15 Q Okay.</p> <p>16 A But I filed it after he locked me up from the Duke</p> <p>17 situation. After I filed a grievance, I seen Lieutenant</p> <p>18 Attallian when I was going to medical for injury to my leg</p> <p>19 and explained to him what happened. And so they came over</p> <p>20 there. When I came back from medical, a couple days later,</p> <p>21 they locked me up on the charge of two charges of group</p> <p>22 demonstration and inciting a riot and put me in behavior</p> <p>23 modification because I filed the grievances.</p> <p>24 Q So you're claiming you were put in behavior</p>	<p>1 accident, really, until I looked back and seen he had enough</p> <p>2 room. Because, ma'am, I mean this cat winged me upside my</p> <p>3 neck. I mean hard, you know, like a football player when</p> <p>4 you're playing football. That's how hard he hit me. Then</p> <p>5 he turned around and went out and I followed him up to the</p> <p>6 gate where the sergeant was unlocking with the key,</p> <p>7 unlocking the gate to come out. I told him, this officer</p> <p>8 just assaulted me. He said who? I said, Officer Diaz just</p> <p>9 hit me upside my neck for no reason.</p> <p>10 Q So Officer Diaz was by himself?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Now, you say that you were seated at a card table</p> <p>13 playing Pinochle?</p> <p>14 A Yes, ma'am.</p> <p>15 Q What time of day was it?</p> <p>16 A That was in the night.</p> <p>17 Q Do you recall the exact time?</p> <p>18 A It had to be around like I'd say 7:30. Around</p> <p>19 there.</p> <p>20 Q What building were you in?</p> <p>21 A In medium building.</p> <p>22 Q And, again, this was at Sussex Correctional?</p> <p>23 A Yes, ma'am.</p> <p>24 Q What tier were you on?</p>
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<p>1 modification because you filed these grievances?</p> <p>2 A Yes, ma'am. Yes, ma'am. I have been locked up ever</p> <p>3 since.</p> <p>4 Q Okay. We are going to go through what you told me</p> <p>5 just from the beginning.</p> <p>6 First, can you tell me the names of all the</p> <p>7 correctional officers who were present when you claim the</p> <p>8 incident occurred on August 28th?</p> <p>9 A There were no officers there. I complained to</p> <p>10 Sergeant Biles. There was only one officer on the tier</p> <p>11 during count and that was Officer Diaz that came by to</p> <p>12 count, you know, as they do every half an hour. And then I</p> <p>13 was on the way out the gate when I called the superior</p> <p>14 officer because the superior officer was there to open up</p> <p>15 the gate.</p> <p>16 I called him to the gate at the time. He had</p> <p>17 another officer with him, whose name I can't recall. But</p> <p>18 during the investigation, Lieutenant Johnson found out who</p> <p>19 his name was but he never gave it to me.</p> <p>20 Q So Officer Diaz was there with another officer?</p> <p>21 A No. He came down the tier by himself.</p> <p>22 Q Okay.</p> <p>23 A And after he hit me, I looked back to see if he had</p> <p>24 enough room to get by. Because I thought it was an</p>	<p>1 A I don't know that area down there too good because I</p> <p>2 was only there for about a week when I got out of the</p> <p>3 hospital.</p> <p>4 Q Okay. Could you describe the tier, what it looked</p> <p>5 like?</p> <p>6 A Yes, ma'am. It was an open, dirty, filthy area.</p> <p>7 And it had bunk beds like on a wall behind me and bunk beds</p> <p>8 right up in the front, you know.</p> <p>9 Q About how wide was the tier?</p> <p>10 A I'd say about the size of this room here.</p> <p>11 Q So about --</p> <p>12 A From that wall right there to this wall. Because,</p> <p>13 you know, including the bunks, you know.</p> <p>14 Q So about 15 feet, 20 feet?</p> <p>15 A I would say that's about 30 feet.</p> <p>16 Q Thirty feet?</p> <p>17 A Yes, ma'am. From that wall to this wall excluding</p> <p>18 the bunks. But with the bunk bed out and the card table</p> <p>19 there, the area then should have been about between me and</p> <p>20 that locker should have been about four feet.</p> <p>21 Q So how many card tables are there?</p> <p>22 A There was only one.</p> <p>23 Q And how many bunks are there?</p> <p>24 A I think it was about double bunks. Maybe about 25</p>

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1 on that side of the block and 25 on the other side across  
2 the hall.

3 Q So between the card table and the bunk beds, is  
4 there a lot of space to walk?

5 A Yes, ma'am. There is a locker there at the foot of  
6 the bed and that's what I looked back at when he went by and  
7 there was enough room for him to get by because I was  
8 sitting up at the table like this here because there was a  
9 dim light overtop of us.

10 So I was sitting up at the table so I could see  
11 the cards. Because these are not reading glasses, you see,  
12 these are for the distance. So I had to really focus on  
13 looking at the cards, you know, because I didn't have my  
14 glasses on because I can't see with them on. So there was a  
15 dim light there.

16 So I was focused on playing the cards. I was  
17 leaning forward. I wasn't leaning back actually in his way,  
18 you see. Because the chair that I was sitting on, you know,  
19 was a little small chair. So I was leaning forward when he  
20 winged me with his right forearm to the neck.

21 Q Was anyone else sitting with you at the card table?

22 A Yes, ma'am. New York was sitting to my right.

23 Q Who?

24 A New York.

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1 Q Can you spell that?

2 A Like New York City.

3 Q Is that his nickname?

4 A Yes, ma'am. That's the only way name I know. I  
5 just came on the tier.

6 Q So you don't know his actual name?

7 A Right.

8 Q Do you have an SBI number?

9 A No. And Salisbury, a brother from Salisbury,  
10 Maryland, was sitting to my left.

11 Q So his name isn't Salisbury, that's where he is  
12 from?

13 A Yes, ma'am.

14 Q Okay. So you were sitting with a guy whose nickname  
15 is New York?

16 A Yes, ma'am.

17 Q And a guy whose nickname is Salisbury?

18 A Yes, ma'am.

19 Q Okay. But you don't know either of the men's actual  
20 names?

21 A No. Because I just moved to that block because I  
22 was in the hospital for a while, you know.

23 Q Okay.

24 A So originally when I moved over there, I was only

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1 there for maybe about two days before they sent me to the  
2 infirmary for an injury to my neck. But prior to me being  
3 there, I was on the other side of the tier, you see. So I  
4 never wasn't really on this block for any period of time.

5 Q And the three of you were playing Pinochle?

6 A Yes, ma'am.

7 Q Before Officer Diaz allegedly hit you, did you see  
8 him on the tier?

9 A No, ma'am.

10 Q So the first time you saw him was when he hit you?

11 A Yes, ma'am. Because there was another officer that  
12 was working there, too, a black officer. You know, they  
13 would rotate. The same officers didn't count all the time  
14 coming on the tier. But this was the first time I seen him  
15 when he injured me by hitting me in the neck.

16 Q Do you know why he was on the tier?

17 A To count. To make a punch. That is punch out there  
18 at the back of the wall. And he had to go in there and make  
19 his punch.

20 Q Was this the first time that he had been on the tier  
21 to do the count?

22 A Yes, ma'am. That I seen.

23 Q Okay. So you claim that Officer Diaz hit you. When  
24 Officer Diaz hit you, which direction was he coming from?

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1 A He was coming from this direction.

2 Q So from your right side?

3 A Yes, ma'am. Because he hit me on the right side of  
4 the neck with his right forearm.

5 Q So he was coming from your right side?

6 A Yes, ma'am.

7 Q And he hit you on the right side of the neck?

8 A Yes, ma'am.

9 Q With his right forearm?

10 A With all this here. Like this here. Just here with  
11 a hard hit in my neck area, you know.

12 Q Okay. And it was the right side of your neck?

13 A Yes, ma'am. I'm not talking about a brushing hit.  
14 I'm talking about a hard hit to my neck.

15 Q Okay. When Officer Diaz allegedly hit you, did he  
16 say anything to you?

17 A He didn't say anything at all.

18 Q Did you say anything to him?

19 A No, ma'am.

20 Q Why didn't you say anything to him?

21 A Because I knew where it was originating from.

22 Q Where was it originating from?

23 A From Sergeant Dukes. See, they was trying to get me  
24 to respond in a violent manner, which I didn't do. I went



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1 and reported him to his superior officer.

2 Q So you believe Officer Diaz was there at the  
3 direction of Sergeant Dukes?

4 A No. What it was, Sergeant Dukes run that building.  
5 He would be there from like I think the time started in more  
6 like either 7:00 to 3:00 or 8:00 to 4:00 and then he would  
7 rotate and be on the second shift in charge. 4:00 to 12:00,  
8 you know, every other week. But his influence and  
9 everything is in that building, you see. But not on the  
10 12:00 shift, on the 12:00 to 8:00 shift, where Sergeant Sam  
11 Hastings runs the building. He doesn't have no influence  
12 over him. So he has influence over officers that come in  
13 and they knew what happened when I filed a grievance against  
14 him and injured my leg, you see.

15 Q So you're claiming it was retaliation?

16 A Yes, ma'am.

17 Q And you believe Officer Diaz knew what was going on?

18 A Yes, ma'am.

19 Q And what makes you believe that he knew what was  
20 going on between you and Sergeant Dukes?

21 A Because all of them communicate in the office. All  
22 the officers knew about it that came in that building on  
23 both shifts, you know.

24 Q Did the other people at the card table see Officer

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1 name to Sergeant Biles and let him know that Officer Diaz,  
2 this officer just assaulted me.

3 Q And before Playboy told you who Officer Diaz was,  
4 you didn't know who Officer Diaz was?

5 A I never seen him before on that block, you know. At  
6 least not while I was there. Because I told you I was there  
7 only for a few days after being released from the infirmary.

8 Q When Officer Diaz hit you, did you say anything like  
9 ouch or --

10 A No. It was sort of a shocking -- a shocking thing  
11 that I went through. Because the blow was powerful. I'm  
12 saying it was a shocking blow when somebody hit you. There  
13 wasn't no ouch or whatever because I'm not an ouch kind of  
14 man because I done took some blows before. So when he  
15 winged me, you know, I thought I was actually in the wrong.  
16 Because that's why I looked back and I thought I was in his  
17 way or something, you know, when I seen that he had enough  
18 room to get by.

19 He had about this much room to get by between  
20 the tier and the locker box that was there. And that's when  
21 he turned around and went back up there so I followed him up  
22 to the gate when Sergeant Biles was there to let him out.

23 Q So the way he hit you, you meant he hit you so hard,  
24 you didn't react in any kind of way? You weren't ready to

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1 Diaz hit you?

2 A No.

3 Q Did they say anything to Officer Diaz?

4 A No. Because, like I said, there was a dim light  
5 there. New York was playing and I was playing. We were so  
6 focused on the card game. If you know how to play Pinochle  
7 or whatever, it's a game that takes your whole concentration  
8 when you're trying to get ahead or get a book or anything.  
9 So we was so focused on the game and he came and hit me.  
10 You know, that's when I looked back. I wasn't even thinking  
11 of any of that, you know. I said, man, this cat just hit  
12 me.

13 So the young Spanish brother that was just  
14 coming on the tier named Playboy, he said, yeah, that's how  
15 he is, you know.

16 And so I said, who was he? And this is when  
17 Playboy said, that's Officer Diaz, you know, he is real  
18 racist, you know, because I never met Diaz and never knew  
19 him. But these guys were on the tier before me, you see.

20 Q So do you know Playboy's real name?

21 A No, ma'am. He is a Spanish brother. He went home,  
22 though. See, they know you by them names.

23 Q But Playboy told you it was Officer Diaz?

24 A Yes, ma'am. That's how I was able to go take his

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1 hit him?

2 A No, ma'am. Because, see, it was -- when we get into  
3 the Dukes deposition, all that will fit right in. But, see,  
4 they was harassing me, going to my locker and said, you  
5 know, I'm a Muslim, I don't smoke. They said, you just the  
6 kind of candidate where they would hide the tobacco at. So  
7 they kept raiding my locker all the time. It was a total  
8 harassment thing period as long as I was in that building  
9 until they moved me out into behavior modification, you see.

10 Q Did you file a grievance regarding Officer Diaz  
11 hitting you?

12 A Yes, ma'am.

13 Q And when did you file the grievance?

14 A On here, I don't have it. On here, it don't have  
15 the date.

16 Q Okay.

17 A Let me see if I put it in here. The incident  
18 happened on the 28th, right, of August, 2004. I had had to  
19 file that grievance the next day. It had to be around  
20 August 29th somewhere. You might have a copy of this.  
21 Because all I got -- because they don't give me no copies of  
22 the grievance once you file it like they do here. So all I  
23 got is the paperwork right here.

24 Q Okay.

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<p>1 A Because here it says September 1st, 2004. Where it</p> <p>2 said review date. So September 1st, 2004, is when it was</p> <p>3 filed.</p> <p>4 Q Okay. Did you suffer any injury as a result of</p> <p>5 Officer Diaz allegedly hitting you?</p> <p>6 A Not immediately at that time or whatever. Because</p> <p>7 as I have been growing older, my body has been having like</p> <p>8 delayed reactions to incidents. You know, like if I bump</p> <p>9 into something, my body won't hurt or nothing until like</p> <p>10 maybe two or three days later or something like that, you</p> <p>11 know. So when my neck started hurting me, I was over on</p> <p>12 sick call receiving treatment for my knee. So when I told</p> <p>13 the nurse my neck is bothering me because the officer hit me</p> <p>14 and everything, so she told me it was probably from the hair</p> <p>15 follicles in my head making my glands swell up. And I tried</p> <p>16 to tell her, no, I was hit in the side of my neck. That's</p> <p>17 why my neck is swelled up, you see. And that's when I filed</p> <p>18 my grievance, you know. Period.</p> <p>19 Q Did she do anything for your neck?</p> <p>20 A No, ma'am.</p> <p>21 Q Did she give you any medication for your neck?</p> <p>22 A No, ma'am. Because I don't take medication like</p> <p>23 that, any pain pills or whatever like that, you know.</p> <p>24 Q How long did the pain last in your neck?</p>	<p>1 copy of the transcript and the transcript will have copies</p> <p>2 of the exhibits with it.</p> <p>3 (Defendant's Deposition Exhibit No. 1 was</p> <p>4 marked for identification.)</p> <p>5 BY MS. TROSS:</p> <p>6 Q Mr. Redden, the court reporter is handing you</p> <p>7 Exhibit No. 1. Exhibit No. 1 is the complaint that you</p> <p>8 filed in this matter. Just take a moment to review it.</p> <p>9 A Okay.</p> <p>10 Q Keep it. I'm going to ask you some questions based</p> <p>11 on it.</p> <p>12 A I have my copy, too.</p> <p>13 Q Let's use this copy since it's marked.</p> <p>14 A All right.</p> <p>15 Q Have you ever seen this document before?</p> <p>16 A Yes, ma'am.</p> <p>17 Q This is the complaint you filed in this case,</p> <p>18 correct?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Did you draft this complaint?</p> <p>21 A Yes, ma'am.</p> <p>22 Q Did you write all portions of the complaint?</p> <p>23 A Yes, ma'am.</p> <p>24 Q Did anyone assist you in writing the complaint?</p>
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<p>1 A It wasn't like a long-lasting pain. It was a pain</p> <p>2 that came up like when the swelling came up, it might have</p> <p>3 lasted maybe about a week of aching.</p> <p>4 Q Did you file a sick call slip at any time?</p> <p>5 A Well, I was going to sick call every day. So I</p> <p>6 didn't have to file none. I went over there. Like I said,</p> <p>7 I think I complained about it a couple days later because it</p> <p>8 didn't really start bothering me until about two or three</p> <p>9 days later. That's when I filed the grievance against him.</p> <p>10 Q Did you see Officer Diaz hit anyone else on the</p> <p>11 tier?</p> <p>12 A No, ma'am.</p> <p>13 Q Did you have any interactions with Officer Diaz</p> <p>14 before this incident?</p> <p>15 A No, ma'am.</p> <p>16 Q Did you have any interactions with him after the</p> <p>17 incident?</p> <p>18 A No, ma'am.</p> <p>19 Q Okay. We are going to go through a couple of</p> <p>20 exhibits regarding the incident and your complaint. What</p> <p>21 I'm going to do is hand them to the court reporter. He is</p> <p>22 going to mark them and then hand them to you?</p> <p>23 A Do you have any copies for me?</p> <p>24 Q Well, what will happen is, at the end, you'll get a</p>	<p>1 A No, ma'am.</p> <p>2 Q Is there anything in your complaint that you would</p> <p>3 like to change?</p> <p>4 A Yeah. Ask for more money.</p> <p>5 Q Anything else?</p> <p>6 A No, ma'am.</p> <p>7 Q Okay. Let's turn to page three, section number</p> <p>8 four. Could you please read out loud the portion under,</p> <p>9 Statement of Claim?</p> <p>10 A Yes, ma'am.</p> <p>11 Q Where it begins, on the night?</p> <p>12 A On the night of August 28th, 2004, while sitting at</p> <p>13 a card table, Correctional Officer Diaz struck me on the</p> <p>14 right side of my neck intentionally with his right forearm</p> <p>15 as he was walking past me. I reported the assault to his</p> <p>16 superior, Sergeant -- supervisor, rather, Sergeant Biles.</p> <p>17 Q Keep going.</p> <p>18 A I complained that Correctional Officer Diaz just</p> <p>19 laughed and walked away.</p> <p>20 Q Okay. Is what you wrote there true?</p> <p>21 A Yes, ma'am.</p> <p>22 Q Is it correct?</p> <p>23 A Yes, ma'am.</p> <p>24 Q Is there anything in your statement of claim that</p>

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1 you would like to change?

2 A No, ma'am.

3 Q So according to this complaint, you were hit by

4 Officer Diaz on August 28th, 2004, correct?

5 A Yes, ma'am.

6 Q Now, you also state that Officer Diaz struck you on

7 the right side of your neck intentionally?

8 A Yes, ma'am.

9 Q Is it correct that he hit you on the right side of

10 your neck?

11 A Yes, ma'am.

12 Q Did he hit you anywhere else?

13 A No, ma'am.

14 Q Your complaint states that he hit you intentionally.

15 How do you know he hit you intentionally?

16 A Because, as I said before, when he hit me, I was

17 leaning forward at the table concentrating on the cards. I

18 wasn't in his way at all. When he struck me on the right

19 side of my neck with his right forearm, I immediately looked

20 back to see if he had enough room to get by. Then he was

21 making the punch. I looked at him while he had his back and

22 everything. When he turned around, I seen who he was.

23 Because I didn't even know who it was at first until he turn

24 around. That is when I said the officer just struck me and

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1 Playboy was just coming down because this was right -- he

2 was right there where he was making the punch at and he

3 said, yeah, that's Officer Diaz. He is like that. He is

4 real racist, you know.

5 Q Is it possible that he hit you accidentally?

6 A No, ma'am. Because, as I said, I'm sitting here

7 with a chair that got a back here. But I'm leaning forward

8 on the table because it was a dim light there. There is not

9 bright light there in the evening. It's a dim light. And

10 so I had to focus in on the cards so I could see the cards

11 because they was old, you know, like dirty and stuff, you

12 know. So sometimes the kings look like the queens and stuff

13 like that, you know. All the face cards. So I was so busy

14 focusing on the cards. I was leaning forward over the

15 table, you see, because I didn't have my glasses on. And

16 there is no way in the world that it could have been an

17 accident because I wasn't in his way in any way, shape or

18 form, you know.

19 Q Your complaint also states that Officer Diaz hit you

20 with his right forearm?

21 A Yes, ma'am.

22 Q How do you know he hit you with his right forearm?

23 A Because he was coming down on the right side and

24 that's what hit me on my neck, the right forearm. He

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1 couldn't hit me with his left, you know.

2 Q But you were focused on the cards, correct?

3 A Yes, ma'am.

4 Q So you didn't actually see his right forearm hit

5 you?

6 A Well, what happened, like I said, I didn't see it

7 coming. But by being such a hard blow, you know, it was

8 there. It wasn't a brushing blow, you know, like brushed

9 past my neck. It was a hard blow there. So I seen it out

10 of the corner of my eye, you know, when it was there, you

11 know.

12 Because, remember, I'm in prison now so I

13 didn't know if it was a prisoner or somebody attacking me or

14 whatever, you know. So I looked, you know.

15 And when I seen it was the officer because he

16 had a blue shirt on just like that gentleman do there, it

17 was a blue shirt. So I seen it was an officer.

18 When he went by, I looked back. I thought I

19 was in his way. That's what I thought. Until I seen the

20 distance between the back of my chair and the locker box.

21 That's when I seen he hit me intentionally. Because he turn

22 around, he had a little like sly grin on his face.

23 He walked past me. He walked up there. That's

24 when I followed him out and superior officer Sergeant Biles

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1 was at the gate and I told him there while he was just

2 coming through. That's when he snickered and laughed.

3 He said, I want to see you in the office.

4 Because Sergeant Biles is black. You know, down in

5 Georgetown, they don't have respect for the black officers

6 like they do the white officers. So the guy just snickered

7 like it was a game. I want to see you in the office, you

8 know.

9 So later on, I called him, I said, what

10 happened? He said, I talked to him. That's all I could do.

11 That's what Sergeant Biles said. I said, okay.

12 Q And no one else at the table saw him hit you?

13 A No, ma'am.

14 Q Your complaint also states that you reported the

15 incident to Sergeant Biles. How long after the incident did

16 you go to speak with Sergeant Biles?

17 A I'd say within 60 seconds. I followed the officer

18 up the tier right up to the gate. As soon as he went past

19 me, I followed him up to the gate.

20 Q Why did you report the incident to Sergeant Biles?

21 A Because Sergeant Biles was running the building at

22 the time on the 4:00 to 12:00 shift. He was a supervisor.

23 So I reported the incident to him. And then another officer

24 that was with him.



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<p>1 Q And what exactly did you say to Sergeant Biles?</p> <p>2 A I said, Sergeant Biles, this guy just hit me, man,</p> <p>3 he just assaulted me, man, you know. I said, he just struck</p> <p>4 me on the side of my neck, man, for no reason, you know. I</p> <p>5 explained the situation to Sergeant Biles so he could get a</p> <p>6 grasp and understanding of what was happening. That's when</p> <p>7 the guy was going past said I want to see you in the office.</p> <p>8 Sergeant Biles knew that I'm a respectful</p> <p>9 man. He know I don't play no games or anything. So he took</p> <p>10 me on my word without going through a whole bunch of</p> <p>11 questions.</p> <p>12 He took the guy in the office and talked to</p> <p>13 him. That's what he said.</p> <p>14 Q And what did Sergeant Biles say to you specifically?</p> <p>15 A He said, I'll talk to him. And that's it.</p> <p>16 Q Was Officer Diaz present when you discussed the</p> <p>17 incident with Sergeant Biles?</p> <p>18 A Yes, ma'am. He was just coming through the gate at</p> <p>19 the time. Sergeant Biles was like holding the gate open for</p> <p>20 him to go through. So there was a whole gate area. So he</p> <p>21 was holding the gate open for him to go through and I was</p> <p>22 standing on the side so I could talk to him. There was</p> <p>23 another officer there, too, on the side with him.</p> <p>24 Q So you all are at the gate?</p>	<p>1 see you in the office, that's when he just snickered and</p> <p>2 laughed, you know, and went on to the office where he said</p> <p>3 that.</p> <p>4 Q Is it possible he was laughing because he thought</p> <p>5 you were joking?</p> <p>6 A No, because he was taking Sergeant Biles as a joke,</p> <p>7 you know. That's the way I took it. Because I knew I</p> <p>8 wasn't joking.</p> <p>9 Q Okay.</p> <p>10 MS. TROSS: Could you please mark this as</p> <p>11 Defendant's Exhibit No. 2?</p> <p>12 (Defendant's Deposition Exhibit No. 2 was</p> <p>13 marked for identification.)</p> <p>14 BY MS. TROSS:</p> <p>15 Q The court reporter just handed you Defendant's</p> <p>16 Exhibit No. 2. Exhibit No. 2 is a grievance report. Take a</p> <p>17 moment to review it.</p> <p>18 A Okay. See, I never received a copy of this here.</p> <p>19 Q So have you ever seen this document before?</p> <p>20 A No, ma'am.</p> <p>21 Q Does it appear to be related to a grievance that you</p> <p>22 filed?</p> <p>23 A Yes, ma'am.</p> <p>24 Q Do you recall filing the grievance?</p>
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<p>1 A Yes, ma'am.</p> <p>2 Q You're not in Sergeant Biles' office?</p> <p>3 A No.</p> <p>4 Q When you were at the gate, where is Sergeant Biles</p> <p>5 standing?</p> <p>6 A Well, he is standing there holding the gate open so</p> <p>7 Diaz could come through. And as Diaz is coming through, I'm</p> <p>8 standing there saying, this officer just assaulted me, you</p> <p>9 see.</p> <p>10 Q And could Officer Diaz hear you?</p> <p>11 A Yes, ma'am. He was right there.</p> <p>12 Q About how far away was he standing?</p> <p>13 A He was coming through the gate. I was standing</p> <p>14 there. So we was like no further than this here.</p> <p>15 Q So like a foot?</p> <p>16 A Well, closer than that. Because I was at the gate</p> <p>17 and Sergeant Biles was holding the gate open just enough</p> <p>18 room to come through, you see. And I was at the gate, too.</p> <p>19 So he had to come right past me. I said, yeah, this officer</p> <p>20 just hit me, he assaulted me, you know.</p> <p>21 Q And what did Officer Diaz say?</p> <p>22 A He just snickered and laughed. He didn't say</p> <p>23 anything when I told him that. When I told Sergeant Biles</p> <p>24 that he struck me. But when Sergeant Biles said, I want to</p>	<p>1 A Yes, ma'am. See, usually we receive a whole copy of</p> <p>2 this here down in Georgetown. Once you file a grievance,</p> <p>3 you don't get anything back, no copies or nothing from the</p> <p>4 original form that you filed, you know.</p> <p>5 Q Okay.</p> <p>6 A So everything that I have, I sent it in to you on</p> <p>7 your request.</p> <p>8 Q Turn for a minute to the first page of the</p> <p>9 grievance. And read out loud the section entitled,</p> <p>10 Description of Complaint.</p> <p>11 A Inmate states that Correctional Officer Diaz struck</p> <p>12 him in the back of the neck while making tier check and</p> <p>13 never apologized or acknowledged me. I reported to Sergeant</p> <p>14 Biles who said he would speak to CO, correctional officer.</p> <p>15 Upon hearing this, Correctional Officer Diaz just laughed at</p> <p>16 Sergeant Biles and kept walking.</p> <p>17 Q Okay. So do you recall filling out a grievance and</p> <p>18 writing that?</p> <p>19 A No. Well, see, this is a synopsis of what they put</p> <p>20 down. The grievance form was longer than this, you know,</p> <p>21 longer than this here. Right. So this is done by the</p> <p>22 grievance people that hear this here. They make a synopsis</p> <p>23 here.</p> <p>24 Q So this isn't actually what you wrote?</p>

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<p>1 A No.</p> <p>2 Q Do you recall what you wrote?</p> <p>3 A Yes, ma'am. It's what I explained to you in here.</p> <p>4 But this time, they put it down to fill in the space, you</p> <p>5 see.</p> <p>6 Q Okay.</p> <p>7 A They shortened it up like this here.</p> <p>8 Q Okay. Let's just go through this a little further.</p> <p>9 According to this grievance report, what is the</p> <p>10 incident date?</p> <p>11 A 10:00 o'clock on here.</p> <p>12 Q No, not the time. The date.</p> <p>13 A Oh.</p> <p>14 Q Do you see the second column, the fourth row down?</p> <p>15 A Oh, yes, ma'am.</p> <p>16 Q What does that say?</p> <p>17 A September 1st. See, I mean this is the date that I</p> <p>18 filed a grievance. That's how they write it.</p> <p>19 Q Now, why did you wait a couple of days after the</p> <p>20 incident to file the grievance?</p> <p>21 A Well, actually, I sought advice from Iman, the</p> <p>22 leader of the Muslims down there. See, I'm not like a type</p> <p>23 of lawsuit filing guy, whatever, you know, grievance kind of</p> <p>24 man, if you ever check my record. I'm not into that. So I</p>	<p>1 Q What does it say? Can you read it out loud?</p> <p>2 A No action requested.</p> <p>3 Q How come you did not ask for any remedy at the time</p> <p>4 you filed your grievance?</p> <p>5 A What I'm trying to explain to you, Ms. Tross, is</p> <p>6 once I filed a grievance, right, I filed a grievance and I</p> <p>7 never heard anything back or whatever until after I was in</p> <p>8 behavior modification where Lieutenant Smith came through</p> <p>9 there and I explained to him. I knew Lieutenant Smith's</p> <p>10 grandfather when I was down there in the sixties and I</p> <p>11 explained to him what happened because he came there to hear</p> <p>12 another grievance that I filed against Dukes and he said,</p> <p>13 well, I can tell you you can take it before the grievance</p> <p>14 board.</p> <p>15 So I never kept any of this stuff here from</p> <p>16 Lieutenant Attallian. Nothing. This is the first time I</p> <p>17 seen all this here. That's how they wrote it up.</p> <p>18 Q So now at the beginning when you were talking about</p> <p>19 what happened with the incident, you said that your</p> <p>20 grievance was upheld?</p> <p>21 A Yes, ma'am.</p> <p>22 Q How do you know it was upheld?</p> <p>23 A Because I have the paperwork here that came back</p> <p>24 from the Commissioner where it was upheld.</p>
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<p>1 sought the advice of Robert Saunders, who is like the</p> <p>2 resident attorney and stuff like that, you know, paralegal</p> <p>3 and stuff like that. So he told me that I should file a</p> <p>4 grievance, you know. So that's what I did upon his advice.</p> <p>5 Q Well, according to the grievance, Officer Diaz hit</p> <p>6 you on the back of the neck?</p> <p>7 A Yes.</p> <p>8 Q Your complaint, however, stated that he hit you on</p> <p>9 the right side of the neck. Which is correct?</p> <p>10 A Well, this is what I'm saying. This is what they</p> <p>11 have here, you see. But what I originally said here. You</p> <p>12 don't have a copy of my original grievance?</p> <p>13 Q No. I have a copy of this. This grievance report.</p> <p>14 A Yeah. But I'm saying my original grievance, I have</p> <p>15 where he hit me. Like I said, I was leaning forward. And,</p> <p>16 actually, his whole right arm was all around here. He</p> <p>17 didn't strike me on the back of my neck, you know.</p> <p>18 Q So in your original grievance, you claim you wrote</p> <p>19 that he hit you on the right side of your neck?</p> <p>20 A Yes, ma'am. If you have the grievance here, I'll</p> <p>21 explain that to them. Yeah.</p> <p>22 Q Could you please read, in the grievance, the section</p> <p>23 entitled, Remedy Requested?</p> <p>24 A Yes, ma'am.</p>	<p>1 Q And what does it say in the paperwork?</p> <p>2 A It says, it is the Department of Corrections, Bureau</p> <p>3 of Prisons. Dear Emanuel Redden: We have reviewed your</p> <p>4 Grievance, Case 6534, dated September 1st, 2004. Based upon</p> <p>5 the documentation presented for our review, we uphold your</p> <p>6 appeal request. Accordingly, there is no further issue to</p> <p>7 mediate nor outside review necessary as provided by BOP</p> <p>8 procedure 4.4 entitled, Inmate Grievance Procedure, Level 3</p> <p>9 appeals. Sincerely, Paul T. Howard, Bureau Chief.</p> <p>10 Q Okay. So according to that, he was upholding your</p> <p>11 appeal request, correct?</p> <p>12 A Yes, ma'am.</p> <p>13 Q But it doesn't say he was upholding your grievance?</p> <p>14 A Yeah, that's what it means.</p> <p>15 Q Why did he say appeal request?</p> <p>16 A Well, I don't know why he said that. Because, see,</p> <p>17 what happened, during the investigation when I had my</p> <p>18 grievance hearing, the committee recommends an investigation</p> <p>19 be conducted on this matter.</p> <p>20 Now, if he didn't uphold a recommendation, he</p> <p>21 would deny my appeal request, you see, for the</p> <p>22 investigation, you see.</p> <p>23 But by the committee upholding that, the</p> <p>24 grievance board, you know, he upheld their decision. So an</p>

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1 investigation did go on by Lieutenant Johnson. And I never  
2 found out what happened or whatever because they locked me  
3 up, put me in behavior modification and gave -- kept me  
4 there for ten days, you know, 20 days in the hole. And then  
5 put me over to medium. I never heard anything about it. I  
6 never seen him again. Then they brought me up here March  
7 1st, 2005.

8 Q So you don't know the results of the investigation?

9 A No, ma'am, other than what I received from the  
10 bureau chief, Mr. Paul Howard.

11 Q And who did you say was conducting the  
12 investigation?

13 A Lieutenant Johnson, George R. Johnson.

14 Q And did Lieutenant Johnson ever come speak with you?

15 A No, ma'am.

16 Q How do you know he was doing an investigation?

17 A Because Sergeant Campbell told me, you know. He  
18 recently passed away, you know, last year.

19 Q What did Sergeant Campbell tell you?

20 A When I was in behavior modification, he came and  
21 told me, because I was in for pretrial. He said, they are  
22 investigating the situation. And that was it, you know.

23 Q And who was Sergeant Campbell?

24 A That was Gary Campbell, the guy that was in charge

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1 of the whole area where I was incarcerated at the time,  
2 behavior modification, that was on this charge.

3 Q What day did you begin your sentence in behavior  
4 modification?

5 A September 3rd of 2004.

6 Q And why you were you put in behavior modification?

7 A Because I filed another grievance prior to that  
8 grievance against Sergeant Dukes.

9 Q So you believe you were put in there because of the  
10 fact that you filed grievances?

11 A Yes, ma'am.

12 Q There was no other reason?

13 A No, ma'am.

14 Q Did they claim that you did anything?

15 A Well, I was making salat. It's called prayer.

16 Q Can you spell salat?

17 A S-a-l-a-t.

18 Q Okay. So you were making salat?

19 A Yeah.

20 Q Which is prayer?

21 A Yes, ma'am.

22 Q And what happened?

23 A About me being injured on my knee, I couldn't pray  
24 regularly like I do on the floor. So I was sitting there

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1 with Playboy and another guy. I can't think of his name.  
2 Because I just met the brothers. And was making salat. I  
3 was following them because I was sitting in the tier. So  
4 usually when count comes around, everybody was in the gym,  
5 only three of us, four of us on the whole block. So the  
6 guard would come by and count us right then and there to  
7 keep on going.

8 So after I finished making prayer, Sergeant  
9 Dukes came in on the tier and accused me of disrespecting  
10 his officers by not sitting in my bunk during count or  
11 whatever. And he came up on me and bumped me with his  
12 belly, you know. And so I went over. He said, I'm locking  
13 you up. So I went over there and started packing up my  
14 stuff.

15 Q Did you receive a writeup?

16 A No, ma'am. I didn't receive anything until after I  
17 filed a grievance against Sergeant Dukes. And then he  
18 backdated the charge against me for group demonstration,  
19 inciting a riot, to get me in behavior modification. That's  
20 how I got over there on December 3rd.

21 Q And when did you leave behavior modification?

22 A I think September 13th. I stayed there ten days.

23 And then they put me in the hole for another 20 days.

24 Q Why did they put you in the hole?

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1 A Because they gave me 20 days for this charge of a  
2 group demonstration or whatever.

3 Q And what led to that charge?

4 A Well, as we was praying, the young brother said, if  
5 you're going to lock him up, you can lock us up, too. And  
6 they wanted to pack up their stuff.

7 I said, no, I'm all right. I have this here.

8 You don't have to do this here. I've got this here.

9 So they said, you got too much power. If  
10 security can't control another inmate and another inmate can  
11 control another inmate, you have too much power, you see,  
12 and gave me two charges of group demonstration for each one  
13 of them.

14 And then the same day they came to get me, I  
15 was on my way to prayer. The sergeant called me up the tier  
16 and had the man around the corner with the big German  
17 shepherd and everything. So I said, what are you going to  
18 do, hang me now, you know. And he said, turn around and put  
19 your hands behind your back and took me over to behavior  
20 modification, you know. Yes, ma'am.

21 Q You said you were in the hole for 20 days?

22 A Yes, ma'am. I have been here locked up now for the  
23 same charges, ma'am, almost two years now. Ever since the  
24 incident, I have been locked up.

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1 Q Okay. Let's go back to the injuries you claimed you  
2 received as a result of the incident with Officer Diaz.

3 What specific injuries do you claim that you  
4 received as a result of the incident?

5 A Well, right after the incident, see, I filed a  
6 grievance September 1st, as it says on there. They locked  
7 me up September 3rd. And when I was in behavior  
8 modification, that's when I started having problems with my  
9 neck.

10 Q What type of problems?

11 A It swelled up and it was aching. So when they  
12 called me out to see the nurse, because I was going to see  
13 the nurse in the morning and the evening while they was  
14 fixing my leg, changing the bandage on my knee, that's when  
15 I complained about my neck, the pain and stuff in my neck.  
16 And she told me it probably come from the hair follicles in  
17 my head. And I explained to her, I said, no, it ain't  
18 coming from my hair follicles in my head. I said, I was  
19 injured. I was hit on the right side of my neck. That's  
20 why my neck is swelling up.

21 Q So did you ever fill out a sick call slip for your  
22 neck pain?

23 A No, ma'am. Because I didn't have to. Because I was  
24 going over there to the infirmary twice a day, in the

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1 morning at 9:00 o'clock and in the evening around 5:00  
2 o'clock.

3 Q And when was the first time you spoke with a nurse  
4 about the pains in your neck?

5 A September -- let me see. It was around the 4th or  
6 the 5th. I'm not certain.

7 Q But you believe it was around the 4th or 5th?

8 A Yes, ma'am. I know it was after I was locked up  
9 September 3rd, 2004, while I was in behavior modification.  
10 It was either that next day, September 4th, when I went  
11 around there to have my knee treated and everything.

12 Q When was the first time that you saw a doctor for  
13 the pain in your neck?

14 A Around September 4th.

15 Q So you saw both a nurse and a doctor?

16 A No. It was a nurse. You don't see no doctor like  
17 that.

18 Q So you never saw a doctor for your neck pain?

19 A No, ma'am.

20 Q What treatment did you receive for your neck pain?

21 A She didn't give me no treatment.

22 Q Were you prescribed any medication for your neck  
23 pain?

24 A No, ma'am. I don't take medication.

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1 Q When did your neck start to get better?

2 A I said the pain only lasted about maybe a couple  
3 days, you know, three days at the most, you know, before the  
4 swelling went down or whatever, you know.

5 Q Are you currently receiving any treatment for your  
6 neck pain?

7 A No, ma'am.

8 Q When was the last time you filled out any sort of  
9 sick call slip for your neck pain?

10 A I never did.

11 Q Okay. And when was the last time you saw a nurse or  
12 a doctor for your neck pain?

13 A That same day when I was there, you know, in  
14 behavior modification, you know.

15 MS. TROSS: Could you please mark this as  
16 Defendant's Exhibit No. 3?

17 (Defendant's Deposition Exhibit No. 3 was  
18 marked for identification.)

19 THE WITNESS: I didn't even remember filing  
20 this.

21 BY MS. TROSS:

22 Q Exhibit No. 3 is a sick call slip.

23 A See, that's what happens when you get old. You  
24 don't remember everything.

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1 Q Have you ever seen this document before?

2 A It happened in pretrial. I don't remember it. But  
3 it is my signature and everything on there.

4 Q So this is your signature?

5 A Yes, ma'am.

6 Q Does this sick call slip relate to the injuries you  
7 claim you received on August 28, 2004?

8 A Yes, ma'am.

9 Q Could you please read the date submitted listed in  
10 the sick call slip?

11 A 9/27/04.

12 Q So you filed this slip on September 27, 2004?

13 A Yes, ma'am.

14 Q Approximately one month after the incident occurred?

15 A Yes, ma'am.

16 Q Okay. Could you please read the comment section in  
17 the sick call slip?

18 A I got struck in the neck last month and now a knot  
19 has grown up on it.

20 Q So according to the sick call slip, approximately  
21 one month after you claim you were hit in the neck, you had  
22 a knot grow on your neck, is that correct?

23 A Yes, ma'am.

24 Q Do you recall when you first discovered the knot?



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1 A Like I said, I was in behavior modification. And  
 2 they just said it was swollen glands.  
 3 Q Do you remember when you first saw the knot or first  
 4 felt the knot?  
 5 A Yes, ma'am. Around September 4th or the 5th.  
 6 Q But you didn't submit the sick call slip until  
 7 September 27th?  
 8 A The pain was there. So that's when I filed a  
 9 grievance. I mean the sick call slip. I don't even  
 10 remember filing it because of behavior modification.  
 11 Q Is PT 418, is that behavior modification?  
 12 A That's pretrial, 418.  
 13 Q Is that behavior modification?  
 14 A Well, behavior modification. And all that is in  
 15 pretrial. So 418, yes, ma'am, that's behavior modification.  
 16 Q Okay. Do you recall how big the knot on your neck  
 17 was?  
 18 A Well, it was a swollen gland and that's what the  
 19 lady said. It was due to the hair follicles in my head.  
 20 She explained that whenever you have problems with your hair  
 21 follicles, it makes your glands swell up. The gland was  
 22 about right here that was swelling up. It was about the  
 23 size of a quarter. It is just a piece that is still there.  
 24 It never really went away.

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1 Q So according to the nurse, this wasn't because of  
 2 Officer Diaz allegedly hitting you, this was because of your  
 3 hair follicles?  
 4 A See, I didn't tell her I was struck in the neck  
 5 first. I told her my neck was swelled up. She said, it was  
 6 in your hair layer. I said, no, I was struck in the neck.  
 7 Q And then what did she say?  
 8 A She didn't say anything, really.  
 9 Q But according to her, this was from swollen glands  
 10 from your hair follicles?  
 11 A That's what she said, a possibility from that. She  
 12 never looked in my head or nothing, you know. She was  
 13 giving me her understanding of why the glands in the neck  
 14 swelled up, you know. She said it come from the hair  
 15 follicles in your head.  
 16 Q Did the knot on your neck hurt?  
 17 A Yes, ma'am, it hurt.  
 18 Q Did the medical department see you after you filed  
 19 this sick call slip?  
 20 A Yes, because they came and took me over there.  
 21 Q What day?  
 22 A Evidently -- I can't remember the day on here.  
 23 Because I didn't even remember filing this. Well, if I  
 24 filed this here the 27th, it had to be around the 28th or

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1 29th because they don't play when you file a sick call.  
 2 They come and get you. So right here, she got, provider  
 3 signature 9/27/04. That's what day she have on here.  
 4 Q So do you remember being seen by the medical  
 5 department on September 27th?  
 6 A I remember being seen by Jill.  
 7 Q And when you went, that's when she told you that  
 8 that was a swollen gland?  
 9 A Yes, ma'am.  
 10 Q Did they prescribe you any medication?  
 11 A No, ma'am. I told you, I don't take medication. My  
 12 mother died from medical malpractice, you know, from  
 13 medication, you know, when I was young. So I won't take any  
 14 medication at all.  
 15 Q Did they tell you to do any type of treatment?  
 16 A No, ma'am. There wasn't, you know, after she said  
 17 what she said, once they said what they say, that's it, you  
 18 know. Ain't no questions. Remember, I'm inferior to them.  
 19 That's how their position is.  
 20 Q So it is possible that the knot was from something  
 21 other than Officer Diaz hitting you?  
 22 A No. I explained to her. I said, no, it didn't come  
 23 from no hair follicles because I didn't have any problems  
 24 with my head, you know. I said, I got hit on the neck, you

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1 know.  
 2 Q But she never said anything to you after you told  
 3 her you got hit on the neck?  
 4 A No. She started focusing on my knee, you know.  
 5 Q Okay. Now, your medical records indicate that you  
 6 have a history of keloids on your head. Is it possible that  
 7 the knot on your neck had something to do with your keloids?  
 8 A No, ma'am. I've got the keloid when I had an in-  
 9 grown hair cut out. That's how I got the keloid. They just  
 10 took this scar tissue off this past April. The doctor did.  
 11 So that didn't have nothing to do with my neck. I got my  
 12 hair cut with some dirty clippers here.  
 13 Q And when did you first have problems with the  
 14 keloids?  
 15 A Well, I came from out of state back in June 2000.  
 16 And a guy was giving me a close shave and I had these in-  
 17 grown hair on my head. I told him, I have had in-grown  
 18 hairs, could you please take them out. By the in-grown hair  
 19 being so long, it affected my head. So in August 2001, they  
 20 brought me over to the infirmary and cut it out. By the  
 21 time I got back over here, the stitches busted. And so they  
 22 said I got to file a sick call.  
 23 So when I filed a sick call, they called me a  
 24 week later and the thing was healing up then, you know. So



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<p>1 it turned into a big piece of scar tissue.</p> <p>2 Q When did the stitches bust?</p> <p>3 A The same day that I had the operation on my head.</p> <p>4 Q So this was in August 2001?</p> <p>5 A Yes, ma'am.</p> <p>6 Q Okay. All right. Let's discuss the damages you're</p> <p>7 asking for in your lawsuit.</p> <p>8 A Yes, ma'am.</p> <p>9 Q According to your complaint, you're requesting</p> <p>10 \$8,500 in compensatory damages?</p> <p>11 A Yes, ma'am.</p> <p>12 Q How did you arrive at that number?</p> <p>13 A Well, because I arrived at that number basically</p> <p>14 because I think that was a low amount, you know, for the</p> <p>15 incident and because of the intentions behind it and because</p> <p>16 of the whole scenario of this whole conspiracy against me,</p> <p>17 you know, that was led by Sergeant Dukes and the rest of the</p> <p>18 officers in his command. So that's why I did that. Because</p> <p>19 I was subjected to cruel and unusual punishment, you know,</p> <p>20 and I was assaulted by this officer. And that's why I did</p> <p>21 that.</p> <p>22 Q Do you have any medical bills as a result of any</p> <p>23 injury you claim you suffered?</p> <p>24 A No, ma'am.</p>	<p>1 stuff in the penitentiary fighting against the officers, you</p> <p>2 know. So they thought I still had the mindset when I came</p> <p>3 back from out of state. But my whole mindset has changed as</p> <p>4 I became Muslim and grown, you see.</p> <p>5 I started using the pen. I stopped using my</p> <p>6 hands and started using the pen. That's when I filed the</p> <p>7 grievance.</p> <p>8 MS. TROSS: Okay. I have one last exhibit we</p> <p>9 are going to discuss.</p> <p>10 Can you please mark this as Defendant's Exhibit</p> <p>11 No. 4?</p> <p>12 (Defendant's Deposition Exhibit No. 4 was</p> <p>13 marked for identification.)</p> <p>14 BY MS. TROSS:</p> <p>15 Q Okay. Defendant's Exhibit No. 4 is your response to</p> <p>16 Defendant's Combined First Set of Interrogatories and</p> <p>17 Requests for Production of Documents. Take a moment to</p> <p>18 review it.</p> <p>19 A You can try to whip me with all this stuff, too,</p> <p>20 now. You need to go in private practice. Okay.</p> <p>21 Q Okay. Have you ever seen this document before?</p> <p>22 A Yes, ma'am.</p> <p>23 Q And are these your responses to Defendant's Combined</p> <p>24 First Set of Interrogatories?</p>
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<p>1 Q Were you unable to work as a result of any injury?</p> <p>2 A I wasn't working at all anyway.</p> <p>3 Q According to your complaint, you're requesting</p> <p>4 \$10,000 in punitive damages?</p> <p>5 A Yes, ma'am.</p> <p>6 Q How did you arrive at that number?</p> <p>7 A Because he should be punished for that, you see.</p> <p>8 Because that's the mindset of them officers down there, with</p> <p>9 Sergeant Dukes, you know. Sergeant Dukes is very racist and</p> <p>10 any officers under his command that go against his like</p> <p>11 control or whatever, there is a problem, you see.</p> <p>12 I have been in the system 30 years. And the</p> <p>13 mindset of Sergeant Dukes and them down in Georgetown, they</p> <p>14 are very violent, very aggressive and they beat inmates down</p> <p>15 there on a regular basis down in Georgetown, you see. And</p> <p>16 that's why he was bumping me and trying to provoke me into</p> <p>17 hitting him because of my past record of violence against</p> <p>18 the officers. Because when I came here when I was young, I</p> <p>19 had a real sordid history against the officers here and they</p> <p>20 stepped it back.</p> <p>21 When I came in the sixties when I was in the</p> <p>22 Black Panther Party. It was the mindset of the officers</p> <p>23 here in the south. This is the south and it was real racist</p> <p>24 here, you know. And so I picked up some assault charges and</p>	<p>1 A Yes, ma'am.</p> <p>2 Q Okay. Let's turn for a moment to page number six,</p> <p>3 interrogatory number three. And in interrogatory number</p> <p>4 three, I asked you for every communication you have had with</p> <p>5 anyone other than your attorney concerning the alleged</p> <p>6 incident. And you answered that it was unavailable.</p> <p>7 What communications are you referring to that</p> <p>8 are unavailable?</p> <p>9 A Well, none, really.</p> <p>10 Q So there aren't any?</p> <p>11 A No. Other than what I gave you.</p> <p>12 Q Which is --</p> <p>13 A The grievance form that I gave you, you know,</p> <p>14 recommendation and that stuff here.</p> <p>15 Excuse me. When I was talking unavailable, I</p> <p>16 was talking about the results of the investigation and stuff</p> <p>17 like that. The documents and stuff that I have, that is</p> <p>18 what I meant. I didn't know if this was going to come in</p> <p>19 while this was being processed or not. I didn't know what</p> <p>20 was going to happen so I left it unavailable. In case</p> <p>21 something came in, I left myself open so I could give it to</p> <p>22 you.</p> <p>23 Q Did you ever receive the results?</p> <p>24 A No, ma'am. Because I was going to get the forms</p>

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1 that you just showed me from my original grievance and  
2 stuff. I never got anything.  
3 Q Okay. And the next interrogatory, interrogatory  
4 number four, I asked you for every communication you have  
5 had with the defendant concerning the alleged incident. And  
6 you said that the communication was unavailable. What  
7 communication are you referring to?

8 A None.

9 Q So there wasn't any communication with the  
10 defendant?

11 A No. I was just keeping myself open just in case I  
12 got them documents in. That's what I was waiting on.

13 Q Okay. Let's turn to page seven. Interrogatory  
14 number six. I asked you for any prior or subsequent  
15 grievances you filed concerning any and all interactions  
16 with the defendant and you said that the grievances were  
17 unknown. Do you now know what grievances you filed against  
18 the defendant?

19 A No, ma'am. Other than what I originally filed.

20 Q So there is no other grievances?

21 A No.

22 Q All right. Let's turn to page number eight.  
23 Interrogatory number eight, you state that the inmates York  
24 and Salisbury witnessed the incident.

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1 Again, you don't know the actual names of the  
2 two inmates who were seated with you at the card table?

3 A No, ma'am. They could find them down there.  
4 Sergeant Biles and them, all the officers and everybody know  
5 them by that, their names.

6 Q So York and Salisbury, that's their nicknames?

7 A Yes, ma'am.

8 Q And it's according to where they are from?

9 A Yes, ma'am.

10 Q Okay. In interrogatory number nine, you state that  
11 you were already receiving daily medical attention for a  
12 prior injury.

13 Could you please explain what the prior injury  
14 was?

15 A When I went down to Georgetown and moved over into  
16 Dukes' building, Sergeant Dukes came in there. They had a  
17 big meeting after this guy got killed up here. In July of  
18 2004, they moved me from maximum security down there to  
19 medium. So when I'm in there, Sergeant Dukes come in there  
20 and shake my hand and everything. Because after the  
21 incident came up, they went through everybody's record and  
22 everything. So they had a big meeting down there and they  
23 informed him of my assaultive history and everything, you  
24 know.

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1 So when I got over there to medium, everybody  
2 said, what are you doing over here, he should be in max, you  
3 shouldn't be walking around here. So I'm putting myself on  
4 the top bunk and Sergeant Dukes come in and shaking my hand  
5 and everything and then introducing himself, you know.  
6 Everybody says, man, that's the first time he ever come in  
7 here and shook somebody's hand and all that there. So, you  
8 know, I said, okay, well, you know, it ain't nothing.

9 So they got me on the top bunk and the top bunk  
10 meant I was security screen, not a regular bunk. There was  
11 tack weld there so the edges wasn't filed there. It was a  
12 security screen, you know, like would be placed on windows  
13 or something like that, you know. And the edges wasn't  
14 filed down.

15 As I was climbing up on the bunk, a piece of  
16 edge went into my left knee. And so a boil came up on my  
17 knee. And then it busted. And it started draining. My leg  
18 swelled up real bad.

19 So I asked them for some medical attention, you  
20 know. And they refused me medical attention for about five  
21 or six days. My leg swelled up and everything. So I was  
22 going over there to receive treatment for that.

23 Q Okay. And what type of daily medical attention were  
24 you receiving?

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1 A Well, what happened after I injured my leg, they  
2 kept me from sick call for so long, after filing sick calls  
3 and everything to get over there, the poison in my knee  
4 started eating down to my bone.

5 Q The what in your knee?

6 A The poison. The infection. So what happened there,  
7 I had to get my knee washed every day and they had to take  
8 some type of material and stuff it down in my knee and leave  
9 it there and get it pulled out with a knife so they could  
10 pull the pus and everything out because they didn't want the  
11 top of my knee to close up before the bottom part was  
12 cleaned out. So I had to get daily treatment for this and  
13 get my knee washed and measured and everything like that.

14 Q In interrogatory number ten, and we are still on  
15 page eight, I asked you for each document in your possession  
16 and control that relate to the injuries you allegedly  
17 sustained from the alleged incident.

18 And you answered that documents were  
19 unavailable.

20 What documents are you referring to?

21 A The same ones that you just showed me about my  
22 results of my grievance and everything down in DC.

23 Q The results of your grievance?

24 A Yes, ma'am. Like I said, the standard procedure is

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<p>1 you get a copy of all of that. But I never got a copy of</p> <p>2 anything other than what I gave you.</p> <p>3 Q Okay. Let's flip to page ten, interrogatory number</p> <p>4 13. You state that, after filing your grievance, you were</p> <p>5 locked up in a behavioral modification unit as an act of</p> <p>6 retaliation?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Again, can you just explain when you were locked up</p> <p>9 in the behavior modification unit?</p> <p>10 A September 3rd. September 3rd.</p> <p>11 Q And how long were you locked up there?</p> <p>12 A They kept me for ten days.</p> <p>13 Q So until September 13th?</p> <p>14 A Around that time. Then they moved me across the</p> <p>15 hall to the hole to do the 20 days for the inciting a riot.</p> <p>16 Q So you stayed in the hole until approximately</p> <p>17 October 3rd?</p> <p>18 A Around that time. Yes, ma'am, I believe.</p> <p>19 Q Okay. All right. Have you ever spoken with or</p> <p>20 written to Officer Diaz regarding the incident?</p> <p>21 A No, ma'am.</p> <p>22 Q Have you ever spoken with or written to him</p> <p>23 regarding the injuries you claim you received?</p> <p>24 A No, ma'am.</p>	<p>1 Q Yes.</p> <p>2 A Robbery.</p> <p>3 Q And when did your present incarceration begin?</p> <p>4 A In December '77. 1977.</p> <p>5 Q And what sentence did you receive for robbery?</p> <p>6 A They gave me three years for the robbery charge and</p> <p>7 ten years for the same gun. I got two five year charges.</p> <p>8 Q So two five year charges for having a gun?</p> <p>9 A Yes, ma'am. Consecutive it was, which is mandatory.</p> <p>10 Q So that's only 13 years.</p> <p>11 A Yes, ma'am.</p> <p>12 Q So why are you still incarcerated?</p> <p>13 A Well, I told you, ma'am. The officers has been</p> <p>14 assaulting me, jumping me and I picked up the time in here.</p> <p>15 Q Okay.</p> <p>16 A In prison.</p> <p>17 Q Were your original criminal charges for robbery</p> <p>18 resolved by plea or by trial?</p> <p>19 A By trial.</p> <p>20 Q Approximately how much of your adult life have you</p> <p>21 spent incarcerated?</p> <p>22 A The majority of it.</p> <p>23 Q Have you ever been convicted of a crime of</p> <p>24 dishonesty besides robbery, such as perjury?</p>
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<p>1 Q Are there any grievances in addition to the one we</p> <p>2 discussed earlier regarding your injuries?</p> <p>3 A No, ma'am.</p> <p>4 Q Do you have any documents in your possession or</p> <p>5 control besides the ones that we discussed that relate or</p> <p>6 discuss the injuries you claim you sustained on August 28th?</p> <p>7 A No, ma'am.</p> <p>8 Q Prior to August 28, 2004, have you ever suffered any</p> <p>9 injuries to your neck?</p> <p>10 A Back in 1982, I got shot through the neck.</p> <p>11 Q So 1982, you were shot in the neck?</p> <p>12 A Yes, ma'am.</p> <p>13 Q Did you keep any sort of journal or diary or log</p> <p>14 where you described or detailed the incident that occurred</p> <p>15 on August 28th?</p> <p>16 A No, ma'am.</p> <p>17 Q Did you keep any sort of journal, diary or log where</p> <p>18 you described or detailed the injuries you claim you</p> <p>19 received on August 28th?</p> <p>20 A No, ma'am.</p> <p>21 Q Okay. Now we are going to briefly discuss your</p> <p>22 criminal history.</p> <p>23 For what crime are you presently incarcerated?</p> <p>24 A When I originally came to jail for?</p>	<p>1 A No, ma'am.</p> <p>2 Q Have you ever been found guilty of any disciplinary</p> <p>3 violations while incarcerated, which in any way involved</p> <p>4 dishonesty?</p> <p>5 A No, ma'am.</p> <p>6 Q Were you ever involved in smuggling contraband into</p> <p>7 SCI?</p> <p>8 A No.</p> <p>9 Q Were you ever involved in smuggling contraband into</p> <p>10 Delaware Correctional Center?</p> <p>11 A No, ma'am.</p> <p>12 Q Have you ever approached any correctional employee</p> <p>13 in an effort to convince them to help you smuggle contraband</p> <p>14 into Sussex Correctional?</p> <p>15 A No, ma'am.</p> <p>16 Q And have you ever approached any correctional</p> <p>17 employee in an effort to convince them to help you smuggle</p> <p>18 contraband into Delaware Correctional Center?</p> <p>19 A No, ma'am.</p> <p>20 Q I have a few final questions. Do you intend to call</p> <p>21 any witnesses if this case goes to trial?</p> <p>22 A Yes, ma'am.</p> <p>23 Q And who are they?</p> <p>24 A Salisbury and New York.</p>

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1 Q Anyone else?  
 2 A Sergeant Biles. And John Doe. But they know who he  
 3 is. Lieutenant Johnson know who he is. That was the  
 4 officer that was with Sergeant Biles when I told Sergeant  
 5 Biles about this guy assaulting me. Because when he was at  
 6 the grievance hearing, they discovered his name, Lieutenant  
 7 Johnson did, and he said I'm going to investigate him as the  
 8 investigation went on. You know, he said we are going to  
 9 talk to Sergeant Biles and talk to him to find out, you  
 10 know.

11 Q So when you talked to Sergeant Biles about Officer  
 12 Diaz, there was another officer present?

13 A Yes, ma'am.

14 Q And you're calling the Officer John Doe?

15 A Yes, ma'am. But Lieutenant Johnson, he know who he  
 16 is. Because when I was at the grievance hearing, they was  
 17 coming over two different names because I was describing  
 18 what the guy looked like, you know. So Lieutenant Johnson  
 19 knew him from the description. I forgot his name, who he  
 20 said he was.

21 Q Do you intend to call any expert witnesses if this  
 22 case goes to trial?

23 A I'm going to call Jill Mosser, the one that I filed  
 24 a grievance to. The one I was going to see about my knee.

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1 Q Anyone else?

2 A No, ma'am. That should be it.

3 Q Okay. And what do you expect Jill Mosser to testify  
 4 to?

5 A The same thing that I told you that I told her my  
 6 neck was hurting, injured, you know.

7 Q And going back for a moment. What do you expect  
 8 Mr. York, we'll call him, to testify to?

9 A That I was struck.

10 Q But you said before he didn't see that you were  
 11 struck, correct?

12 A He didn't see me being struck.

13 Q Right.

14 A But he heard me say, I said, man, this guy just hit  
 15 me.

16 Q Okay.

17 A You see, they was there. He just told them he  
 18 struck me, you know.

19 Q And what do you expect Salisbury to testify to?

20 A The same thing.

21 Q And what do you expect Sergeant Biles to testify to?

22 A What I told him and whatever came out of the  
 23 conversation with Officer Diaz because Officer Diaz never  
 24 denied hitting me. When he was telling the superior officer

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1 that he hit me, he never denied, just snickered and laughed.  
 2 Sergeant Biles said, I'm going to talk to you in the office.

3 Q And what do you expect Officer John Doe to testify  
 4 to?

5 A The same thing. Because he went in the office with  
 6 him, you know. All three of them went in the office.

7 Q Okay. At this time, would you like to change your  
 8 answer to any question that was asked?

9 A Not really. The only thing I would acknowledge is,  
 10 I didn't recall the sick call that I filed.

11 Q That you don't remember filing a sick call slip?

12 A No. Because I was in a lot of stress, ma'am, you  
 13 know.

14 Q Okay, Mr. Redden, that concludes my questioning.  
 15 You're permitted at this time to make a statement in  
 16 response to the case. You may not ask me any factual or  
 17 legal questions because I'm not a party to the case. So is  
 18 there anything else that I should know in order to  
 19 understand what happened?

20 A Well, in what form are you talking about anything  
 21 that you should know?

22 Q Is there anything that you would like to add that we  
 23 didn't discuss or anything that you would like to clarify  
 24 that we did discuss?

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1 A No.

2 Q Okay. The court reporter is going to prepare a  
 3 transcript of this deposition. A transcript, as you may be  
 4 aware, is a typed document that contains everything that was  
 5 said on the record during this deposition. The transcript  
 6 can be used for preparing a motion for summary judgment or  
 7 for use at a trial should we have one in this case. The  
 8 transcript is available for purchase. But because you're  
 9 proceeding inform a pauperis, I will send you a copy of the  
 10 transcript after the defendant receives a copy. You then  
 11 have the opportunity to review the transcript for errors.  
 12 You do not, however, have to review the transcript if you do  
 13 not want to.

14 Do you wish to obtain a copy of the transcript  
 15 and review it for errors?

16 A Yes, ma'am.

17 Q Okay. I intend to file a motion for summary  
 18 judgment within the coming weeks in this matter. A motion  
 19 for summary judgment submits this matter to the judge for a  
 20 decision on whether you can present genuine and material  
 21 issues of fact that will require a trial. The standard for  
 22 summary judgment is not the same as a standard for a motion  
 23 to dismiss and will likely require that you demonstrate the  
 24 actual support for your allegations.

EMANUEL W. REDDEN, JR.

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<p>1 Once I file my motion, you are then permitted</p> <p>2 to file an answering brief. If you file an answering brief,</p> <p>3 I have the ability to file a reply brief. This will then</p> <p>4 conclude the briefing process for my summary judgment</p> <p>5 motion.</p> <p>6 Do you have any procedural questions you would</p> <p>7 like to ask me? But please understand that I cannot provide</p> <p>8 you legal advice. Do you have any procedural questions?</p> <p>9 A You know I'm locked up in here. I don't have access</p> <p>10 to a law library or anything. Only through paper writing,</p> <p>11 you know.</p> <p>12 Q Okay.</p> <p>13 A So I wouldn't even know how to respond to your</p> <p>14 summary judgment.</p> <p>15 Q Well, what you could do is, once you receive my</p> <p>16 summary judgment motion, the court has then given you a</p> <p>17 certain amount of time to answer. You could then take it to</p> <p>18 the law library or submit a copy to the law library for</p> <p>19 assistance in responding. And they should be able to help</p> <p>20 you with that.</p> <p>21 A The guy here, they don't do it like that.</p> <p>22 Q Okay. Well, then I would say just file a response</p> <p>23 to the best of your ability.</p> <p>24 A Okay.</p>	<p>1</p> <p>2 INDEX</p> <p>3 DEPONENT: EMANUEL W. REDDEN, JR. PAGE</p> <p>4 Examination by Ms. Tross 2</p> <p>5</p> <p>6</p> <p>7 EXHIBITS</p> <p>8</p> <p>9 DEFENDANT'S DEPOSITION</p> <p>10 NUMBER DESCRIPTION MARKED</p> <p>11 1 Form to be Used by a Prisoner in 24</p> <p>12 Filing a Complaint Under the Civil</p> <p>13 Rights Act, 42 U.S.C. 1983</p> <p>14 2 Grievance Report 32</p> <p>15 3 Delaware Department of Corrections 44</p> <p>16 Request for Medical/Dental Sick</p> <p>17 Call Services</p> <p>18 4 Defendant's Combined First Set of 52</p> <p>19 Interrogatories and Requests for</p> <p>20 Production of Documents Directed</p> <p>21 to Plaintiff</p> <p>22</p> <p>23</p> <p>24</p>
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<p>1 Q Do you have any other procedural questions?</p> <p>2 A Well, no.</p> <p>3 Q No?</p> <p>4 A No, ma'am, I guess.</p> <p>5 MS. TROSS: Okay. So that concludes this</p> <p>6 deposition.</p> <p>7 (Deposition concluded at 11:28 a.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>



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6 COMPLETED AND SIGNED  
7 BY THE DEPONENT.  
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1 State of Delaware )  
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## CERTIFICATE OF REPORTER

6 I, Allen S. Blank, Registered Merit Reporter and  
7 Notary Public, do hereby certify that there came before me  
8 on the 17th day of January, 2007, the deponent herein,  
9 EMANUEL W. REDDEN, JR., who was duly sworn by me and  
10 thereafter examined by counsel for the respective parties;  
11 that the questions asked of said deponent and the answers  
12 given were taken down by me in Stenotype notes and  
13 thereafter transcribed by use of computer-aided  
14 transcription and computer printer under my direction.

15 I further certify that the foregoing is a true and  
16 correct transcript of the testimony given at said  
17 examination of said witness.

18 I further certify that I am not counsel, attorney,  
19 or relative of either party, or otherwise interested in the  
20 event of this suit.

21 Allen S. Blank, RMR  
22 Certification No. 103-RPR  
23 (Expires January 31, 2008)  
24

DATED: January 24, 2007